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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,788	03/16/2004	David W. Hobson	031004	9204

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EXAMINER

DELGOTTO, GREGORY R

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,788

Applicant(s)

HOBSON ET AL.

Examiner

Gregory R. Del Cotto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 14-27 is/are rejected.
- 7) ☒ Claim(s) 8-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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1. Claims 1-27 are pending. Applicant's arguments and amendments filed 3/14/06 have been entered. Note that, claims 28-62, previously withdrawn from consideration as being drawn to a non-elected invention, have been canceled.

Objections/Rejections Withdrawn

The following objections/rejections set forth in the Office action mailed 6/1/06 have been withdrawn:

The rejection of claims 2, 3, 6, and 8-11 under 35 U.S.C. 103(a) as being unpatentable over DE 1953920 or DE 1801713 has been withdrawn.

The rejection of claims 4, 12, and 13 under 35 U.S.C. 102(b) as being anticipated by DE 1953920 or DE 1801713 has been withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 5, 7, and 14-27 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 1953920 or DE 1801713. Note that, translations of these documents have been received and are attached to this Office action.

'920 teaches a cleaning composition containing an activator as recited by the instant claims and a percompound such that the molar ratio of acyl groups in the activator to hydrogen peroxide is from 0.1 to 10. Additionally, the composition contains organic complexants, inorganic builders, surfactants, enzymes, corrosion inhibitors, dyes, perfumes, etc. See Abstract. The cleaning composition may contain 0 to 95% by weight of anionic, nonionic, and/or zwitterionic tensides. See page 6, lines 30-35. The percompounds can be of organic or inorganic nature such as alkaline perborates, percarbonates, etc. See column 7, lines 25-40. The composition may be in the form of a powder. See claim 1.

'713 teaches washing products containing the same nitrogen containing compounds as recited by the instant claims. The compounds may be used as bleaching agents. See Abstract. The solid activators can be mixed as powders or granules with the other components of the oxidizing, bleaching, washing, or washing auxiliary agents. See page 5, lines 30-35. Suitable inorganic percompounds include sodium perborate, percarbonates, etc. See page 6, line 30 to page 7, line 10.

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Surfactants may also be used in the composition and include anionic, zwitterionic, and nonionic surfactants. See page 7, lines 30-35.

'920 and '713 disclose the claimed invention with sufficient specificity to constitute anticipation.

Accordingly, the broad teachings of '920 and '713 anticipate the material limitations of the instant claims.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lafferty (US 3,267,139).

Lafferty teaches N-trimethylacetyl-n-phenylalkylsulfamindes and phenylcyclopropylsulfamides having pharmacodynamic activity. Note that, the Examiner asserts that Lafferty teaches polyamino compounds which are the same as recited by the instant claims. Lafferty discloses the claimed invention with sufficient specificity to constitute anticipation.

Accordingly, the teachings of Lafferty anticipate the material limitations of the instant claims.

Allowable Subject Matter

Claims 6 and 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the references of record, alone or in combination, teach or suggest the specific polyamino compounds as recited by the instant claims.

Response to Arguments

With respect to the rejection of the instant claims under 35 USC 102(b), Applicant states that the teachings of the '920 or '713 are narrow, as they only disclose molecules in which the substituents on both nitrogen atoms for the structures specified are identical and therefore, do not teach every aspect of Applicant's claimed invention as required under 35 USC 102. In response, note that, the Examiner maintains that both '920 or '713 teach, with sufficient specificity, the polyamino compounds as recited by the instant claims. The Examiner maintains that from the teachings of '920 or '713, one of ordinary skill in the art would immediately envisage the claimed polyamino compounds. Note that, both '920 or '713 teach that the substituents connected to the nitrogen atoms may be different in that the alkyl groups may be varied which is sufficient specificity to constitute anticipation.

Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Remaining references cited but not relied upon are considered to be cumulative to or less pertinent than those relied upon or discussed above.


Applicant is reminded that any evidence to be presented in accordance with 37 CFR 1.131 or 1.132 should be submitted before final rejection in order to be considered timely.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gregory R. Del Cotto
Primary Examiner
Art Unit 1751

GRD
November 10, 2006